

April 11, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, April 11, 2000, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Mark Lewis, DeeDee Wright, Jeff Sowers, Jeff Smith, Sean Reid, John Daniels, Elaine Stiller, Leigh Ann Loeblein, Fred Dula, Ken Mowery, Mark Perry

ABSENT: Andy Storey

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of March 14, 2000, were approved as published.

NEW MEMBER

Jeff Smith was welcomed as a new member of the Planning Board. He will serve a term to expire March 31, 2003.

ZONING MAP AND TEXT AMENDMENTS RELATIVE TO THE B-2 DISTRICT

Senior Planner Harold Poole gave a brief explanation on the proposal to eliminate the B-2 Retail Trade zoning district. One of the Board's goals is the elimination of non-essential or outdated zoning districts. The LR-6 district was recently considered by the Planning Board and City Council. There were no areas zoned for LR-6, and the district was eliminated. The B-2 district is now under consideration.

The B-2 district was initially established as a shopping center district when the Zoning Ordinance was rewritten in 1964. The district has not worked in that way. Several years later a new category (B-7 Limited Business District) was established which essentially replaced the B-2 district.

The B-2 district currently includes parts of eight parcels of land in three areas around town and covers less than four acres. No property has been rezoned to B-2 since 1985. The three areas now zoned B-2 have been designated as zoning cases Z-2-00, Z-3-00 and Z-4-00. The purpose of today's Courtesy Hearing is to take a look at these three areas and get input from the public. The Board will need to consider the possible rezoning of these three areas, consider eliminating references to the B-2 district in the Zoning Ordinance, and assigning the B-2 permitted uses to other zoning districts.

(a) Chairman Lewis convened a courtesy hearing on eliminating the B-2 Retail Business district.

Those speaking in favor of the proposal: None

Those speaking in opposition to the proposal: None

The Chairman closed the courtesy hearing on this proposal.

(b) Discussion delayed until after the courtesy hearings on rezoning the three B-2 areas.

(a) Chairman Lewis convened a courtesy hearing on Z-2-00 Salisbury Planning Board, Jake Alexander Boulevard South between Interstate 85 and Old Concord Road.

Location: South side of Jake Alexander Blvd. South between Interstate 85 and Old Concord Road

Size: Two parcels, approximately 0.98 acre

Existing Zoning: B-2 Retail Business

Proposed Zoning: M-1 Light Industrial

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request: None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

John Daniels – Given that the area is completely surrounded by M-1, he moved to recommend rezoning the two parcels from B-2 to M-1 Light Industrial. The motion was seconded by Fred Dula with all members voting AYE.

(a) Chairman Lewis convened a courtesy hearing on Z-3-00 Salisbury Planning Board, Mooresville Road (N. C. 150) at Second Street.

Chairman Lewis felt he had a conflict in this particular case. The Board excused him from the Board during discussion of this case.

Location: West side of Mooresville Road (N. C. 150) at Second Street (Southgate Shopping Center)

Size: Portions of two parcels for a total of 0.81 acre

Existing Zoning: B-2 Retail business

Proposed Zoning: Tax Map 14, Parcel 251 (the larger of the two areas) proposed for rezoning to either B-RT Retail Trade Business or M-1 Light Industrial
Tax Map 14, Parcel 242 (the smaller of the two areas) proposed for rezoning to R-6 Two Family Residential.

Senior Planner Harold Poole explained that the larger of the two areas is part of adjacent property already zoned M-1 (occupied by Southgate Shopping Center). Subject property is used for outside storage with a fence completely around the property. The smaller of the two areas is the rear portion of property zoned R-6 (occupied by Salisbury Church of God).

Those speaking in favor of the zoning change request:

Cliff Owen, 1201 Fenimore Street, Winston-Salem; has an interest in the larger piece of property. The Southgate Shopping Center was developed in 1965. He is in favor of rezoning the adjacent property to M-1 so that all the property would have the same zoning classification. He does not think the B-RT zoning would enhance the property.

Those speaking in opposition to the zoning change request: None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Elaine Stiller felt this area has a lot of residential use feels that the larger property should be rezoned to B-RT.

Harold Poole explained that staff considered M-1 for this property so that the entire parcel would have the same zoning classification. The B-RT district is the most similar to the existing B-2. The use of the property for outside storage is not a permitted use in B-2 nor is it a permitted use in B-RT. It is a permitted use in M-1. B-RT is a low-intensity commercial district.

Sean Reid moved to recommend rezoning the larger property from B-2 to B-RT Retail Trade Business. The motion was seconded by Mark Perry.

Ken Mowery commented that he did not think it was fair to the property owner to split his property in two classifications. There is a use on this piece of property which is the nature of his business. He does not agree with the B-RT zoning. This would also be introducing B-RT for this property when there is no other B-RT anywhere else around it.

Those voting in favor of the motion to rezone the larger portion to B-RT were Sean Reid, DeeDee Wright, Elaine Stiller, Jeff Sowers, and Mark Perry. Those voting in opposition to the motion were Ken Mowery, Jeff Smith, Leigh Ann Loeblein, Fred Dula and John Daniels. The motion failed due to a tie vote.

Jeff Sowers stated he opposed rezoning the property to M-1 because of the number of uses permitted in the M-1 district and the context of the neighborhood and the church nearby. There are so many more uses permitted in the M-1 district than the B-RT district. There might be another district which could be looked at that would not be quite as intensive in uses.

Harold Poole suggested the Board could look at the B-4 Highway Business district. He indicated that the first district which permits outside storage is the M-1 district.

Sean Reid stated that there is already a large amount of property zoned M-1 and more is being requested for rezoning to M-1. If anything happened to the existing business, a large industry could locate on this property which would affect the surrounding neighborhood. Mark Perry said of paramount importance is to keep the neighborhood and the church viable, and there are uses permitted in the M-1 district which are not compatible with the neighborhood and the church. Vice Chairman Wright assigned Committee 1 (S. Reid, J. Sowers, F. Dula, M. Perry) to study the case for recommendation at next month's meeting.

Jeff Smith moved to recommend rezoning the smaller portion behind the church to R-6 Two Family Residential. The motion was seconded by Leigh Ann Loeblein with all members voting AYE.

- (a) Chairman Lewis convened a courtesy hearing on Z-4-00 Salisbury Planning Board, Oakwood Avenue near Faith Road.

Location: North and south sides of Oakwood Avenue near its intersection with Faith Road.

Size: Two parcels and portions of two parcels, containing approximately 1.9 acres.

Existing Zoning: B-2 Retail Business

Proposed Zoning: Tax Map 70, the rear portion of Parcel 77 and all of Parcel 76 proposed for rezoning to R-6 Two Family Residential
Tax Map 70, Parcel 57 proposed for rezoning to B-1 Office Institutional
Tax Map 70, the rear portion of Parcel 61 proposed for rezoning to B-6 General Business

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request:

Arnold Lesley, 6160 Faith Road (owner of the property proposed for rezoning to R-6 Two Family Residential) – Several years ago he requested rezoning of this same property from R-6 to B-6. The property was eventually rezoned to B-2. He doesn't want residential zoning across from B-6 zoning. Even though his property consists of three parcels (one parcel already zoned B-6 and two zoned B-2), he considers it one tract.

Gaynell Gibbons, owner of Gaynell's Beauty Shop, 523 Faith Road – agrees with Mr. Lesley that the property should be rezoned to B-6 rather than R-6.

The chairman closed the courtesy hearing on this case.

- (b) Board Discussion:

DeeDee Wright moved to recommend rezoning Tax Map 70, the rear portion of Parcel 61 to B-6 General Business. The motion was seconded by Sean Reid with all members voting AYE.

DeeDee Wright moved to recommend rezoning Tax Map 70, Parcel 57, to B-1 Office Institutional. The motion was seconded by Sean Reid with all members voting AYE except John Daniels who voted NAY.

Ken Mowery moved to recommend rezoning Tax Map 70, the rear portion of Parcel 77 and all of Parcel 76 to B-6 General Business. The motion was seconded by John Daniels. Sean Reid felt the property should be rezoned to R-6 in that the B-6 district would increase the number of permitted uses for the property. Leigh Ann Loeblein felt the B-6 would be more appropriate because the property is already surrounded on three sides by business and one side residential. Mark Perry asked where and when do you stop the business from continuing its encroachment into the residential area. Elaine Stiller commented that B-6 is on both sides of these two parcels and rezoning to R-6 would create inconsistency. Ken Mowery felt it would be unfair to the property owner to downzone his property. The motion to rezone to B-6 passed with all members voting AYE except Messrs. Perry and Reid who voted NAY.

The Board delayed action on eliminating all references to B-2 in the Zoning Ordinance pending final action on Z-3-00.

GROUP DEVELOPMENTS

G-3-2000 Affordable Efficiency Suites, 1305 Julian Road

A E I Franchise Company has requested approval for the construction of a two-story building containing 34 extended stay units in the Summit Corporate Center. The Technical Review Committee recommends approval. The development will have direct access from Julian Road which will promote higher turning movements in an area where turning movements should be limited. It is the concern of the Technical Review Committee that if continued development along Julian Road occurs, the corridors surrounding the industrial park will become congested to the detriment of the park. City Engineer Dan Mikkelsen stated that this one particular use is not a problem. A problem will occur only if it sets up a pattern for future development of non-industrial uses having access directly onto Julian Road.

Tony Free, representing A E I Franchise Company, spoke in favor of the development. Steve Blount, representing the County Commissioners who own this property, also spoke in favor of the development. The county has very few external parcels in the industrial park. The vast majority of the park is served by internal roads. So the fear of the industrial park itself adding to the major congestion of Julian Road because of numerous entrances and exits is not a big concern. When the industrial park was created several years ago, the Commissioners asked the City Council to ask the Planning Board to develop an industrial park zoning classification which would be applied to the Summit Corporate Center and all other industrial parks in Salisbury to take care of some of the intricacies of industrial parks, such as signing. The Commissioners felt the signage at the industrial park was limited much too strictly under the M-1 zoning. For some reason that industrial park classification was never addressed.

Ed and Earl Holt, adjacent property owners, expressed concern as to whether the developer had taken into consideration the widening of Julian Road when the site plan was developed as to location of the building and length of the driveway.

On a motion by DeeDee Wright, seconded by Fred Dula, with all members voting AYE, the site plan was approved.

G-4-99 Wendermere Subdivision, Phase II, Old Mocksville Road and Hawkinstown Road

The Technical Review Committee recommends approval of the site noting the following conditions: the city recommends a common property pedestrian and bicycle route be installed from the cul-de-sac on Heathmoor Place to Wendermere Circle. The developer does not wish to install a path. It is felt that if there is a public access between two lots in order to connect the two areas, these lots would not as attractive as far as selling the lots.

Brent Cowan, representing Wallace Realty who is part-owner and developer, stated that a pedestrian access from the cul-de-sac was not provided or required in Phase I and does not wish to wish to do something different in Phase II. Sidewalks are being provided which

pedestrians can use to get where they need to go. The marketability of lots where a path would be located would be impacted.

Jake Alexander, also a part-owner of this development, stated he feels ample pedestrian access has already been provided. He sees no benefit to this.

Sean Reid moved to recommend approval of the site plan as presented but without the addition of a common property pedestrian and bicycle route as recommended by the Technical Review Committee and instead suggest the developers consider a pedestrian and bicycle access. The motion carried with all members voting AYE.

G-4-00 Rowan Regional Medical Park, Phase I, 650 Julian Road

The Board approved Ken Mowery removing himself from the Board during discussion of this matter due to a conflict of interest.

Rowan Family Physicians will occupy the building proposed in Phase I. The Technical Review Committee recommends approval noting the following conditions: (1) Corporate Circle shall be a publicly maintained road and the street name shall be on the site plan and (2) The developer shall specify male Ginkgo on the plant list. David Forbes, representing Marshall Erdman and Associates, was present at the meeting. DeeDee Wright questioned why the Technical Review Committee felt they needed to make the stipulation for a male Ginkgo tree. Mr. Furr replied that the developer is showing a Ginkgo tree as part of the landscaping plan and the TRC thought that specifying the male Ginkgo tree would be more appropriate. Jeff Sowers also explained that the female Ginkgo produces fruit which is very messy when it falls from the tree. The male tree does not produce fruit. Ms. Wright indicated she had a problem with recommending that particular kind of tree. Leigh Ann Loeblein moved to recommend approval of the site plan with the two conditions. The motion was seconded by Jeff Sowers with all members voting AYE except DeeDee Wright and Sean Reid who voted NAY. The motion carried.

G-5-00 West End Community and Business Center, 1400 West Bank Street

An application has been submitted for the addition of a 27-space parking lot for the West End Community and Business Center. The Technical Review Committee recommends approval of this application, noting the following conditions: (1) two advisory signs shall be erected, one at each approach through the single lane passage to the additional parking area and (2) a barrier shall be placed between the existing basketball court and the parking lot. On a motion by DeeDee Wright, seconded by Jeff Smith, with all members voting AYE, the site plan was recommended for approval with the two conditions.

SUBDIVISION

S-7-00 Moyle Avenue, Moyle Avenue (ext.) off Faith Road

The owner proposes to divide an oversized, remnant property into three tracts. In order to provide frontage for the three lots, the owner will extend Moyle Avenue. Staff recommends a 90'-diameter, gravel cul-de-sac within a 100'-diameter right-of-way. The diameter shall be truncated so that a 50'-wide right-of-way intersects lot 4. This will allow any future extensions

of Moyle Avenue to attain standard right-of-way width. Sean Reid moved to approve the preliminary site plan. The motion was seconded by DeeDee Wright with all members voting AYE except Jeff Sowers and Jeff Smith who voted NAY. The motion carried.

S-4-00 Gray Oak at Mirror Lake

This subdivision was referred to a committee at last month's meeting. The committee, staff, and a representative of the developer met on site. The developer resubmitted a site plan which addressed several issues. However, there are two issues remaining for Planning Board consideration. (1) The developer wishes to rename the extension of Beechnut Lane to Gray Oak Lane. He has also misspelled Beechnut on the site plan. The city standard is to extend existing names into new development. Committee chairman Mark Perry reported that the committee is recommending that the spelling of Beechnut be corrected on the plan from "Beachnut" to "Beechnut" and that the name be carried over for the new street in the proposed development. (2) The committee also recommends relief to the average minimum depth requirement of 125 feet for Lot 13 as required in Section 5.05.2.a of the Subdivision Ordinance. The lot does not meet the depth requirement. However, it has extra width and area for a house compatible in size with the rest of the development. Strict adherence to the standard would be a hardship. The committee recommendation comes with a favorable motion from the committee. The motion was seconded by Sean Reid with all members voting AYE.

OTHER BOARD BUSINESS

Wesco Signs has withdrawn their request for a zoning text/map change to extend the radius for pylon (high-rise) sign radius from 1,000 to 1,200 feet at Interstate 85 and East Innes Street. Comfort Suites is willing to purchase additional property, if necessary, to be within the 1,000 foot radius.

Chairman Lewis distributed new committee assignments and asked that the Rules of Procedure committee meet before the next Planning Board meeting and have recommendations ready for the May meeting.

Several committee reports were deferred until the May meeting.

The meeting was adjourned at 7:00 p.m.

Chairman

Secretary